

REPLY

The Examiner indicated that the foreign priority claim filed under 35 USC §371 as recited in Article 2(1) or (2) or under Article 39(1)(a) is over the 30-month deadline because the date is at 35 months so priority is not granted. The Examiner indicated a filing date of March 28, 2005.

The Applicant is entitled to a filing date of April 24, 2002. The national stage was commenced on October 20, 2004 within the thirty month deadline from the international application filing date, which in this case is the priority date, of April 24, 2002. The date of receipt of all the requirements for the national stage was March 28, 2005. In the Notice of Acceptance of Application Under 35 USC 371 and 37 CFR 1.495, copy **enclosed**, received in this application it is clearly indicated that, "The date appearing on the filing receipt as the "filing date" is the date on which the last of the 35 USC 371(c)(1), (c)(2) and (c)4 requirements has been received in the office. This date is shown above. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 USC 363)." Therefore, the effective filing date of the application should be the international filing date of April 24, 2002.

The Examiner objected to the abstract of the disclosure because the term "means" appears in the Abstract and the Abstract is not a separate page. The Abstract has been amended to obviate the Examiner's objection therefore the Abstract should now be acceptable.

The Examiner rejected claims 1-42 under 35 USC §112, second paragraph, as being indefinite.

Claims 1, 4, 25, 34, 38 and 42 have been amended to render them more definite. The previously recited "adapted to" language has been replaced with the more definite word "shaped" or by the word "configured". The wording "adapted to" in claim 42 has been replaced by the wording "which can".

Claims 2 and 36 have been amended to use the conjunction "and" instead of "or" so as to provide a proper Markush format.

Claims 25 and 31 have been amended to delete the "like" language so as to render the claims definite.

The Examiner rejected claims 1-4 under 35 USC §102(b) as being anticipated by Skinner. The Examiner rejected claims 1-10, 12-13, 16-26, 29, 32-34, 37-39 and 42 under 35 USC §102(e) as being anticipated by Barbar.

The Examiner rejected claims 1 and 40-41 under 35 USC §102(e) as being anticipated by Noe et al.

The Examiner rejected claims 11-12, 14, and 35-36 under 35 USC §103(a) as being unpatentable over Barbar in view of Harris.

The Examiner rejected claims 2 and 42 under 35 USC §103(a) as being unpatentable over Barbar in view of McDevitt et al.

As indicated above, the present invention is entitled to the effective filing date of April 24, 2002, which is the filing date of the international patent application. Accordingly the only references that are proper prior art are Noe et al and McDevitt et al.

In general, Noe et al discloses a toothbrush having a cleaning device, template, on one side. A template 90 is placed in a pocket 88 that may include mouthwash 92 or some other similar liquid.

In general, McDevitt et al discloses an oral cleaning device fit onto a human finger. Various additives can be applied, such as dental agents, flavoring agents and anti-microbial agents.

It should be noted that the international preliminary examination report for the corresponding application stated novelty and inventiveness of all the claims. Additionally, claims 1-42 as presently on file correspond to the claims as granted by the European Patent Office in the corresponding European Regional Phase, Patent No. EP 1 499 213 B1 on March 15, 2006.

The present invention relates to a tooth-cleaning device which can be entirely contained or displaced in the mouth without any need for being handled by the user. In particular, as recited in claim 1, said tooth cleaning device comprises a main body and

a plurality of bristles carried by said main body, engaging means shaped to be engaged by the human tongue and allowing such tooth cleaning device to be displaced within the mouth by means of the tongue, said main body being impregnated with a dispersible substance which is naturally dispersed during use.

Neither Noe et al nor McDevitt et al anticipate or render obvious the subject matter claimed in claim 1. None of the prior art documents cited anticipate a tooth cleaning device which can be entirely contained or displaced in the mouth without any need of being hand held by the user and includes the features as recited in claim 1. In particular, none of the prior art documents disclose the combination of the main body impregnated with a dispersible substance with means for engaging the human tongue as recited in claim 1.

Noe et al only discloses a device for cleaning the mouth of a user. The device includes a handle 12 having a first end 14 for grasping by a user and a second end 16 for insertion into the mouth of the user. The first side 18 of the second end 16 is provided with bristles 20 for use in brushing the teeth of the user. On the second side 22 of the second end 16, opposite the bristles 20, is a cleaning device 24 for use in scraping, scrubbing, brushing or massaging the tongue and the inner surface of the mouth of the user.

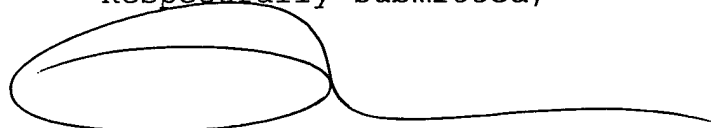
McDevitt et al discloses an oral cleaning device that can fit onto a human finger. The oral cleaning device disclosed by McDevitt includes a hollow member having at least one open end for the insertion of a finger. The hollow member includes a base web and defines a cleaning surface such as a textured surface, configured to clean the teeth and gums of a user. The textured surface can include looped bristles, elevated tufts, or can be made from crimped fibers.

Neither Noe et al nor McDevitt et al disclose the combination of a tooth cleaning device shaped to be engaged by the human tongue and allowing the tooth cleaning device to be displaced within the mouth and having a dispersible substance which is naturally dispersed during use and in which the main body is impregnated with the dispersible substance.

Accordingly, claims 1 and 40-41 cannot be anticipated by Noe et al, as Noe et al does not disclose all the features as recited in claim 1.

It is respectfully requested that the Examiner reconsider the present application and forward the Notice of Allowance.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, loopy initial 'P' followed by a long, horizontal, slightly wavy line extending to the right.

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